

LIFE BUTTER, LLC,

Plaintiff,

v.

BPI EQUIPMENT, INC.,

Defendant.

Removed from
Mecklenburg County,
Superior Court Division
Case No. 24CV023988-590

2. Plaintiff Life Butter, LLC (“Life Butter”) is a North Carolina limited liability company with its principal place of business in Davidson, North Carolina. (*See* Compl. ¶ 1). Upon information and belief, the members of Life Butter are citizens of North Carolina. Accordingly, Life Butter is a citizen of North Carolina for the purposes of diversity jurisdiction. *See Gen. Tech.*

Applications, Inc. v. Exro Ltda, 388 F.3d 114, 121 (4th Cir. 2004) (holding that a limited liability corporation “is an unincorporated association, akin to a partnership for diversity purposes, whose citizenship is that of its members.”) (citing, e.g., *Carden v. Arkoma Assocs.*, 494 U.S. 185, 197 (1990)).

3. BPI Equipment is an Indiana company with its principal place of business in Granger, Indiana. (See Compl. ¶ 2). Accordingly, BPI Equipment is a citizen of Indiana for the purposes of diversity jurisdiction. See 28 U.S.C. § 1332(c) (for purposes of determining citizenship, “a corporation shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business”).

4. As alleged in Life Butter’s Complaint, the amount in controversy, exclusive of interests and costs, exceeds \$75,000. In particular, Life Butter has asserted claims against BPI Equipment arising out of Life Butter’s purchase of a piece of equipment with a sale price of \$95,075 that Life Butter claims is “wholly unusable, unsustainable, and simply does not work.” (See Compl. ¶¶ 3, 58, and Ex. A to Compl.).

5. Accordingly, this Court has original jurisdiction over this civil action based on diversity of citizenship under 28 U.S.C. 1332(a) because: (i) this is a civil action between citizens of different States where there is complete diversity of citizenship; and (ii) the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

6. BPI Equipment is properly removing this action to the Western District of North Carolina, Charlotte Division pursuant to 28 U.S.C. § 1441(a) because it is the federal judicial district embracing Mecklenburg County where the civil action is currently pending. See 28 U.S.C. § 113(c).

7. BPI Equipment's removal of this action is timely under 28 U.S.C. § 1446(b)(1). Plaintiff commenced this civil action by filing a Complaint on May 24, 2024 in the General Court of Justice, Superior Court Division, Mecklenburg County, and served BPI Equipment with a copy of the Summons and Complaint on May 30, 2024. Thus, the thirtieth day following service of the Complaint on BPI Equipment is June 29, 2024.

8. In accordance with 28 U.S.C. § 1446(a), a true and correct copy of all process, pleadings, and orders in this action is attached hereto as Exhibit 1.

9. In accordance with 28 U.S.C. § 1446(d), BPI will promptly provide written notice of the filing of this Notice of Removal to Life Butter and will file a copy of this Notice of Removal with the Clerk of the Superior Court of Mecklenburg County, North Carolina, where this action is currently pending.

WHEREFORE, BPI Equipment requests that this action be removed from the General Court of Justice, Mecklenburg County, North Carolina to the Western District of North Carolina, Charlotte Division in accordance with the provisions of 28 U.S.C. § 1441.

This the 28th day of June, 2024.

BRADLEY ARANT BOULT CUMMINGS LLP

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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of June, 2024, I electronically filed the foregoing **NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF system, and I am serving all parties via e-mail and by depositing a copy thereof in the United States mail, first class, postage prepaid, addressed to the following counsel of record:

Kyle L. Putnam
Hull & Chandler, P.A.
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Charlotte, NC 28203
kputnam@lawyercarolina.com

This the 28th day of June, 2024.

/s/ C. Bailey King, Jr.
C. Bailey King, Jr.